

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STEPHANIE HOLLINGSWORTH)
O/B/O DONICA CHEFFEN,)
Plaintiff,)
v.)) No. 06-0758-CV-W-FJG-SSA
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

ORDER

Pending before the Court is Plaintiff's Application for Leave to File Civil Action In Forma Pauperis (Doc. No. 1). Together with said motion is Plaintiff Stephanie Hollingsworth's Affidavit of Financial Status (Doc. No. 6).

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(a) (1999).

Plaintiff's Affidavit reveals that she is single. Plaintiff indicates she has three dependents, children ages 4, 5, and 7. Plaintiff states in her affidavit that she is currently employed at Rock Hill Manor, earning a net income of \$1,280 per month.

Plaintiff does not own real property. Plaintiff indicates she owns a 1997 Ford Escort of unknown value. Plaintiff indicates that she has \$0.00 cash on hand. Plaintiff indicates

that she has received no money from any other sources in the past 12 months. Plaintiff reports she has monthly rental expenses of \$417. Plaintiff reports that her monthly grocery expense are \$200, monthly gas expenses are \$275, monthly electric bills are \$300, monthly water bills are \$130, and monthly telephone bills are \$72. Plaintiff further reports she owes \$32,000 on her student loans.

Based upon the information provided in plaintiff's affidavit, the Court believes that plaintiff is sufficiently impoverished to be permitted to proceed in forma pauperis. Therefore, the Court will grant plaintiff's application for leave to file this civil action in forma pauperis. Additionally, the Court finds that Plaintiff's complaint is not barred by 28 U.S.C. § 1915(e)(2)(B). The complaint does not appear to be frivolous, nor does it appear to state a claim on which relief cannot be granted or seek monetary relief against a defendant who is immune from such relief.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is GRANTED;
2. Because this case is included in the Case Management/Electronic Case Filing (CM/ECF) system, plaintiff's counsel shall be responsible for electronically filing the Complaint on or before September 22, 2006; and
3. Plaintiff shall be responsible for serving process pursuant to Rule 4 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Date: September 15, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge